

## Town of Cape Charles

### APPENDIX A

#### Subdivision Ordinance

An ordinance to regulate the subdivision of property into lots, streets, alleys, and other public areas, to provide for the making and recording of plats of such subdivision and the certification of same and provide for the approval of plats.

Whereas, (pursuant to) Article 7 of the Virginia Planning Act as found in the Code of Virginia, 15.1-465 et seq., the governing body of the Town of Cape Charles, Virginia, is authorized to adopt regulations to provide:

1. For size, scale, and other plat details;
2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
3. For adequate provisions for drainage and flood control and other public purposes and for light and air;
4. For the extent to which and the manner in which streets shall be graded, graveled, or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;
5. For the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system, or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (a) certifies to the governing body that the construction costs have been paid to the persons constructing such facilities or (b) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned;
6. For monuments of specific types to be installed establishing street and property lines;
7. That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body such approval shall be withdrawn and the plat marked void and returned to the approving official;
8. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this act, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by this ordinance; and
9. For payment by a sub-divider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or

controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development provided, however, that no such payment shall be required until such time as the governing body or a designated department or agency thereof shall have established a general sewer and drainage improvement program.

Therefore, be it ordained by the Town Council of Cape Charles, Virginia, that the following regulations are hereby adopted for the subdivision of land within the jurisdiction of the Town of Cape Charles from and after the effective date of this ordinance. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

### **Section 1 Purpose, Title, and Interpretation**

- A. Purpose. The purpose of this ordinance is to establish subdivision standards and procedures for the Town of Cape Charles, Virginia, as provided for by the 1950 Code of Virginia, as amended. These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.
- B. Title. This ordinance is known and may be cited as the "Subdivision Ordinance of the Town of Cape Charles, Virginia."
- C. Interpretation
  - 1. The standards and procedures contained herein are declared to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.
  - 2. This ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, restriction, or any other agreement between parties provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or land or imposes additional standards or requires additional improvements or larger open spaces than are imposed or required by other restrictions, ordinances, rules,

regulation, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

3. Nothing in this ordinance to the contrary withstanding, where there is or appears to be conflict between the provisions of this ordinance and the zoning ordinance of the Town of Cape Charles, then the provisions of the zoning ordinance shall govern.

## Section 2 Definitions

- A. Words and Terms. For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word **LOT** includes the word **PARCEL**; the word **SHALL** is mandatory and not directly; the word **APPROVED** shall be considered to be followed by the words **OR DISAPPROVED**; any reference to this ordinance includes all ordinance amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

**ADMINISTRATOR** is the representative of the Town Council who has been appointed to serve as the agent of the Council in approving the subdivision plats.

**BUILDING SETBACK LINE** means a line showing the minimum distance by which any structure (exclusive of signs) must be separated from the front lot line of a lot or from the center line of the surveyed right-of-way on which the lot fronts.

**COMMISSION** means the Planning Commission of Cape Charles, Virginia.

**CUL-DE-SAC** means a street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

**DEVELOPER** is an owner of property being subdivided whether or not represented by an agent.

**EASEMENT** means a grant running with the land by a property owner of the use of land for a specific purpose or purposes.

**ENGINEER** is an engineer licensed by the Commonwealth of Virginia.

**GOVERNING BODY** means the Town Council of the Town of Cape Charles, Virginia.

**HEALTH OFFICIAL** is the health director serving the Town of Cape Charles, Virginia, or his deputy.

**HIGHWAY ENGINEER** is the resident engineer serving the Town of Cape Charles of the Department of Highways and Transportation or his deputy.

**JURISDICTION** means the area or territory subject to the legislative control of the governing body.

**LOT** means a numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.

**LOT, CORNER** means a lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

**LOT, DEPTH OF** is the mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE** is an interior lot having frontage on two streets.

**LOT, FLAG** means a lot having the same area as other lots but with a reduced frontage on an existing street with such frontage being not less than twenty feet to allow for driveway and utilities lines.

**LOT, INTERIOR** is a lot other than a corner lot.

**LOT OF RECORD** is a lot which has been recorded in the office of the clerk of the appropriate court.

**LOT, WIDTH OF** is the mean horizontal distance between the side lot lines.

**PERSON** means an individual, a partnership, a corporation, or any other legal entity by whatever term customarily known.

**PLAT** includes the terms map, plan, plot, re-plat, or re-plot; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, PLAT is synonymous with SUBDIVIDE.

**RESUBDIVIDE** means to make any change in any dimension of any lot as shown on a recorded plat except in the case of a plat recorded for the purpose of a security release to a lending agency.

**PROPERTY** is any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.

**STREET** is the publicly owned, principal means of access to abutting properties. The term STREET shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare for a similar purpose.

**STREET, PUBLIC USE OF** means the unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

**STREET, MAJOR** means any existing or future street or any heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding 500 vehicles per day.

**STREET, MINOR** means a street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.

**STREET, SERVICE DRIVE** is a public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

**STREET WIDTH** is the total width of the strip of land dedicated or reserved for public travel including roadway, curbs, gutters, sidewalks, and planting strips.

**SUBDIVIDE** means to divide any tract, parcel, or lot of land into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved in such division, any division of a parcel of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

The word SUBDIVIDE and any derivative thereof shall have reference to the term SUBDIVIDER as defined for SUBDIVIDER.

**SUBDIVIDER** is an individual, corporation, or registered partnership owning any tract, lot, or parcel of land to be subdivided or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for in representing, or executing the legal requirements of the subdivision.

**SURVEYOR** means a certified land surveyor as licensed by the State of Virginia.

**ZONING ORDINANCE** is the Zoning Ordinance of the Town of Cape Charles, Virginia.

### **Section 3 Administration**

#### **Section 3.1 Administrator**

The agent appointed by the governing body is hereby delegated to administer this ordinance. In so doing, the agent shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent may also consult with the Planning Commission on matters contained herein.

### **Section 3.2 Duties**

The agent shall perform his duties regarding subdivisions and subdividing in accordance with this ordinance and the Land Subdivision and Development Act.

### **Section 3.3 To Consult**

In the performance of his duties the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority of the agent shall have particular reference to the resident highway engineer and the health officer.

### **Section 3.4 Additional Authority**

In addition to the regulations herein contained for the platting of subdivisions, the agent may, from time to time, establish any additional reasonable administrative procedures deemed necessary for the proper administration of this ordinance.

## **Section 4 Procedure for Making and Recording Plats**

### **Section 4.1 Platting Required**

Any owner or developer of any tract of land situated within the Town of Cape Charles who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

In the event a plan for subdivision is disapproved by the agent, the sub-divider may appeal to the governing body which may then override the recommendation of the agent and approve said plat.

### **Section 4.2 Draw and Certify**

Every such plat shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat within an inset block or by means of a dotted boundary line upon the plat.

### **Section 4.3 Owner's Statement**

Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land

subdivided) as appears in the plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds and, when thus executed and approved as herein specified, shall be filed and recorded in the office of the clerk of the appropriate court and indexed under the names of the land owners signing such statements and under the name of the subdivision.

#### **Section 4.4 No One Exempt**

No person shall subdivide any tract of land that is located within the Town except in conformity with the provision of this ordinance.

#### **Section 4.5 Necessary Changes**

No changes, erasures, or revision shall be made on any preliminary or final plat nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets unless authorization for such changes has been granted in writing by the agent.

#### **Section 4.6 Fees**

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the sub-divider shall deposit with the agent checks payable to the Town Treasurer in the amount of twenty-five dollars (\$25 per plat) and one dollar (\$1) for each lot if the subdivision contains five or more lots; if the subdivision contains less than five lots, the charge shall be ten dollars (\$10) per plat and one dollar (\$1) for each lot.

#### **Section 4.7 Vacating Plat**

Any plat of record may be vacated in accordance with the provisions of Section 15.1-481, et seq. of the Code of Virginia (1950), as amended.

### **Section 5 General Regulations**

#### **Section 5.1 Mutual Responsibility**

There is a mutual responsibility between the sub-divider and the Town of Cape Charles to divide the land so as to improve the general use pattern of the land being subdivided.

Redevelopment of any office, commercial, industrial, duplex or multi-family site, or single-family site consisting of more than three lots not currently served by water quality or best management practices shall achieve at least a 10 percent reduction in non-point source pollution and run-off compared to the pre-existing run-off load from the site.

#### **Section 5.2 Land Must Be Suitable**

The agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. In this connection the agent may require the sub-divider to furnish topographical maps, elevations, flood profiles, or other relevant data.

### **Section 5.3 Flooding**

Land subject to flooding and land deemed to be topographically unsuitable may be platted for residential occupancy, subject to the approval of the administrator and Town Council. Such land within the subdivision subject to severe flooding shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

### **Section 5.4 Improvements**

All required improvements shall be installed by the sub-divider at his cost. In cases where specifications have been established either by the Virginia Department of Highways and Transportation for streets, curbs, etc., or by the Virginia Department of Health, or by local ordinances and codes, such specifications shall be followed. The sub-divider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements.

#### **Section 5.4.1 Streets**

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the sub-divider at no cost to the locality.

##### **Section 5.4.1.1 Alignment and Layout**

The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. Offset and jogs shall be avoided.

##### **Section 5.4.1.2 Access and Circulation**

Streets, drives, parking, and service areas shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment and snow removal. Streets shall not be laid out so as to encourage outside traffic to traverse the development on minor streets, or to create unnecessary fragmentation of the development into small blocks. Vehicular access to other streets or portions of streets from off-street parking and

service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruption.

#### **Section 5.4.1.3 Service Drives**

Whenever a proposed subdivision contains or is adjacent to a state primary highway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway, or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

#### **Section 5.4.1.4 Approach Angle**

Major streets shall approach major or minor streets at an angle of not less than 80 degrees unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain, or matching of existing development patterns.

#### **Section 5.4.1.5 Minimum Widths**

The minimum width of proposed streets, measured from lot line to lot line, shall be specified by the Virginia Department of Highways and Transportation for acceptance in the State Secondary Road System but not less than 50 feet.

#### **Section 5.4.1.6 Street Width**

When lots in a subdivision abut on one side of any street which has been included in the State Secondary Road System, the sub-divider shall be required to dedicate enough land so that one-half the width of such street, as measured from the center line to the subdivision property line, shall be 25 feet or one-half the standard width of such highway, whichever is greater, but he shall not be responsible for grading or surfacing said existing street or highway.

#### **Section 5.4.1.7 Street Construction**

Streets shall be constructed in compliance with the requirements of the Virginia Department of Highways and Transportation.

Where required by the highway engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties. Curb and gutter and sidewalks shall be required for all

new subdivisions in accordance with standard specifications for the Town of Cape Charles.

Street signs shall be installed at all street intersections in any subdivision by the subdivider. The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the highway engineer prior to final action by the agent.

#### **Section 5.4.1.8 Cul-de-sac**

Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than 400 feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than 100 feet in diameter.

#### **Section 5.4.1.9 Private Streets and Reserve Strips**

There shall be no private streets platted in any subdivision. Every subdivision property shall be serviced from a publicly dedicated street. There shall be no reserve strip controlling access to streets.

#### **Section 5.4.1.10 Names**

Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.

#### **Section 5.4.1.11 Identification Signs**

Street identification signs of a design approved by the agent shall be installed at all intersections readable from either side.

#### **Section 5.4.2 Monuments**

As required by this ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the governing body.

##### **Section 5.4.2.1 Location - Concrete**

Concrete monuments four inches in diameter or square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each

street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six inches above finished grade.

#### **Section 5.4.2.2 Location - Iron Pipe**

All other lot corners shall be marked with iron pipe not less than 3/4 inch in diameter and 24 inches long and driven so as to be flush with the finished grade.

#### **Section 5.4.3 Water Facilities**

Public water connections shall be extended from the designated main to all lots within a subdivision and all fire hydrants by the sub-divider in accordance with the design standards and specifications for water construction and improvement in Cape Charles, Virginia, and meeting the approval of the agent. Individual wells will not be permitted.

#### **Section 5.4.4 Sewerage Facilities**

Public sewer connections shall be extended from the designated main to all lots within a subdivision. Septic tanks will not be permitted. Every subdivision shall be provided by the sub-divider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements in the Town of Cape Charles, Virginia, and meeting the approval of the agent.

#### **Section 5.4.5 Storm Drainage Facilities**

The sub-divider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property including contour intervals, drainage plans, and flood control devices. The sub-divider shall also provide plans for all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements when properly installed will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The sub-divider shall also provide any other information required by the highway engineer.

#### **Section 5.4.6 Street Lights**

Installation of street lights shall be required in accordance with design and specification standards approved by the administrator as deemed appropriate.

#### **Section 5.4.7 Fire Protection**

Adequate fire hydrants in a subdivision at locations approved by the agent shall be required. The location of the fire hydrants shall meet the National Board of Fire Underwriters specifications.

#### **Section 5.4.8 Easements**

The agent shall require that easements for drainage through adjoining property be provided by the sub-divider. Easements of not less than 12 feet in width shall be provided for water, sewer, power lines, and other utilities in the subdivision when required by the agent. A larger easement width may be required if determined by the agent.

#### **Section 5.4.9 Bond**

The sub-divider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check payable to the Treasurer of the Town of Cape Charles in an amount equal to the total cost as determined by the agent of such improvements so as to guarantee they will be installed within a designated reasonable length of time in a manner acceptable to the agent. Said bond or check shall accompany the final plat when it is submitted to the agent. In the absence of a performance bond or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the agent.

#### **Section 5.4.10 Plans and Specifications**

Five blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer and shall be submitted to the agent for approval or disapproval within 45 days. If approved, one copy bearing certification of such approval shall be returned to the sub-divider. If disapproved, all papers shall be returned to the sub-divider with the reason for disapproval in writing. In the event no action is taken in 45 days, such subdivision shall be deemed approved.

#### **Section 5.5 Lots**

Lots shall be arranged in order that the following considerations are satisfied.

##### **Section 5.5.1 Shape**

The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

##### **Section 5.5.2 Location**

Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street or on a street which has become public by right of use. If the existing streets are not 50 feet in width, the sub-divider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 50 feet.

##### **Section 5.5.3 Corner Lots**

Corner lots shall have extra width sufficient for maintenance of any required lines on both streets as determined by the agent.

#### **Section 5.5.4 Side Lines**

Side lines of lots shall be approximately at right angles or radial to the street line.

#### **Section 5.5.5 Remnants**

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

#### **Section 5.5.6 Separate Ownership**

Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the final plat until the sub-divider is ready to record same, and they both shall then be recorded together.

#### **Section 5.5.7 Business or Industrial**

Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

#### **Section 5.6 Blocks**

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following requirements.

##### **Section 5.6.1 Length**

Generally, the maximum length shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

##### **Section 5.6.2 Width**

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.

##### **Section 5.6.3 Orientation**

Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

## **Section 5.7 Dedication of Land**

Where the size of the subdivision warrants, the sub-divider shall dedicate to the Town of Cape Charles such reasonable amount of land for parking lots, parks, and playgrounds as determined necessary to protect the safety (fire and traffic hazards considered) and the general public welfare of the area. The size, location, and character of the land dedicated, if any, shall be determined by the agent after (a) consideration of the purpose of this ordinance, (b) consideration of any related objective approved by the Town Council, and (c) consideration of the Town's officially adopted Comprehensive Plan.

## **Section 6 Approval of Plats**

### **Section 6.1 Approval Required Before Sale**

Whenever any subdivision of land is proposed and before any permit for the erection of a structure shall be granted, the sub-divider or his agent shall apply in writing to the agent for the approval of the subdivision plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the following manner.

### **Section 6.2 Preliminary Sketch**

The sub-divider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the sub-divider whether his plans in general are in accordance with the requirements of this ordinance. The agent, upon submission of any preliminary sketch, shall study it and advise the sub-divider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes, and any such marked sketch shall be returned to the commission with the preliminary plat. The preliminary sketch shall be as follows.

#### **Section 6.2.1 Specifications, Contents**

It shall be drawn on white paper or on a print of a topographic map of the property. It shall be drawn to a scale of 100 feet to the inch. It shall show the name, location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

#### **Section 6.2.2 Part of Tract**

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the sub-divider or the governing body.

### **Section 6.3 Preliminary Plat**

The sub-divider shall present to the agent five prints of a preliminary layout at a scale of 100 feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

- Section 6.3.1** Name of subdivision (the name shall not duplicate nor too closely approximate that of any existing subdivision in this or neighboring counties), owner, sub-divider, surveyor, or engineer, date of drawing, number of streets, north point, and scale. If true north is used, method of determination must be shown.
- Section 6.3.2** Location of proposed subdivision by an insert map at a scale of not less than two inches equal one mile showing adjoining roads, their names and number, towns, subdivisions, and other landmarks if any within 2,000 feet.
- Section 6.3.3** The boundary survey or existing survey on record provided such survey shows a closure with an accuracy of not less than one in 2,500; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- Section 6.3.4** All existing, platted, and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas, and parking spaces; culverts, drains, and water courses, their names and other pertinent data.
- Section 6.3.5** The complete drainage layout, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage.
- Section 6.3.6** A cross section showing the proposed street construction, depth, and type of base, type of surface, etc.
- Section 6.3.7** A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
- Section 6.3.8** Location of each proposed lot line showing dimensions.
- Section 6.3.9** The proposed building setback lines shown as dotted lines, to scale with dimensions to front property or street center lines.
- Section 6.3.10** Proposed block and lot numbers and the area of each lot.
- Section 6.3.11** Proposed deed covenants, by reference to outlines of same which shall accompany the preliminary plat.

**Section 6.3.12** A location map tying the subdivision into our present road system either by aerial photographs or topographic maps of the U.S. Department of Interior.

**Section 6.3.13** Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

**Section 6.3.14** All parcels of land to be dedicated for public use and the condition of such dedication.

#### **Section 6.4 Items to Accompany Preliminary Plat**

**Section 6.4.1** Items as described in the following paragraphs of this section shall accompany the preliminary plat at the time the latter is submitted to the agent or, in any event, no later than 12 days thereafter.

**Section 6.4.2** Statement by the Health Official that the sub-divider has consulted with him with respect to the certificate which will be required before the final plat can be approved. State Health Department's Subdivision Evaluation Procedures must be followed in order to receive Health Department approval.

**Section 6.4.3** Statement by the sub-divider acknowledging that any percolation tests, topographic studies, or other requirements of the health official will be carried out at the expense of the sub-divider.

**Section 6.4.4** If streets or parking areas are included in the subdivision, a statement by the highway engineer that the sub-divider has consulted with him as to the plans, specifications, and any special treatment which will be required in their construction, together with the drainage system which will be required.

**Section 6.4.5** If it is proposed to dedicate or reserve land (other than for streets) for public use or for the common use of future property owners in the subdivision, a statement by the sub-divider to that effect, giving an outline of the terms proposed and the acreage involved.

**Section 6.4.6** If town water or sewerage is to be provided, a certificate from the town officer. Said certificate may require that certain specifications be met as a condition to furnishing or operating town water or sewerage. (The agent shall transfer this certificate to the final plat when this is filed.)

**Section 6.4.7** Statement by the sub-divider as to whether any part of the proposed subdivision lies within the area of applicability of any other effective subdivision ordinance.

**Section 6.4.8** Outline of deed covenants, if any, pertaining to the subdivision.

**Section 6.4.9** Check payable to the Town Treasurer to cover fees required.

## **Section 6.5 Procedure**

The agent or his appointed representative shall discuss the preliminary plat with the sub-divider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The sub-divider shall then be advised in writing within 60 days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, an estimate of the cost of construction of improvements, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat.

In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent or preferably may require a bona fide estimate of the cost of improvements to be furnished by the sub-divider.

## **Section 6.6 No Guarantee**

Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

## **Section 6.7 Six Months' Limit**

The sub-divider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this ordinance. Failure to do so shall make preliminary approval null and void. The agent may, on written request by the sub-divider, grant an extension of the time limit.

## **Section 6.8 Final Plat**

The subdivision plat submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of 100 feet to the inch on sheets having a size of 15 inches by 20 inches or size of plat book. In addition to the requirements of the preliminary plat, the final plat shall include the following:

**Section 6.8.1** A blank oblong space three inches by five inches shall be reserved for the use of the approving authority.

**Section 6.8.2** Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

**Section 6.8.3** A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners,

proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

**Section 6.8.4** When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.

**Section 6.8.5** The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites; all existing public and private streets, their names, numbers and widths; existing utilities and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; water courses and their names; names of owners and their property lines both within the boundary of the subdivision and adjoining said boundaries.

**Section 6.8.6** Distances and bearings must balance and close with an accuracy of not less than one in 10,000.

**Section 6.8.7** The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearings.

## **Section 6.9 Conditions**

The plat shall not be approved until the sub-divider has complied with the general requirements and minimum standards of design in accordance with this ordinance and has made satisfactory arrangements for performance bond, cash, or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent. The sub-divider shall record plat within six months after final approval; otherwise, agent shall mark plat "void" and return same to sub-divider.

**Section 6.9.1** Within sixty days after recordation of the approved final plat, the sub-divider shall file a copy thereof in the office of the Northampton County Commissioner of Revenue pursuant to the Virginia Land Subdivision Act.

**Section 6.9.2** Recordation of the final plat of a subdivision shall not be deemed to be the acceptance by the Town of any street or road or other public place shown on the plat for maintenance, repair, or operation thereof.

## **Section 7 Effectual Clauses**

### **Section 7.1 Exception**

Where the sub-divider can show that a provision of these standards in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or unnecessary hardship, and where, because of topographical or other

conditions peculiar to the site, in the opinion of the administrator, a departure may be made without destroying the intent of such provision, the administrator may authorize an exception. Any exception shall be authorized in writing and shall state the reasons why the exception was granted. If an applicant is aggrieved by the administrator's decision, he may appeal that decision to the Town Council. Appeals of the administrator's decision for purposes of the Subdivision Ordinance shall be to the Town Council and not the Board of Zoning Appeals (BZA). If an applicant is aggrieved by the decision of the Town Council, he may appeal that decision to the Northampton County Circuit Court as provided by law.

(Ord. of 7-14-92, 7-1)

### **Section 7.2 Penalties**

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 for each lot or parcel of land so subdivided or transferred or sold; every day thereafter shall constitute a separate offense; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

The clerk of the Circuit Court of Northampton County shall not file or record a plat of a subdivision, under the penalties provided by Code of Virginia, 17-59, until such plat has been approved as required herein.

### **Section 7.3 Validity**

Should any article, section, subsection or provision of this subdivision (ordinance) be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

### **Section 7.4 Repeal**

Subject to Section 7.6 of this ordinance, all ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

(Ord. of 7-14-92, 7-4)

### **Section 7.5 Amendments**

This ordinance may be amended in whole or in part by the Town Council of Cape Charles provided that any such amendment shall either originate with or be submitted to the Cape Charles Planning Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the

governing body. Notice of the time and place of the hearing shall have been given in accordance with Code of Virginia, 15.1-43.

**Section 7.6 Interaction with Other Ordinances**

The provisions of this Subdivision Ordinance may be modified by the terms of a PUD rezoning application filed pursuant to the provisions of the Cape Charles PUD Ordinance.

(Ord. of 7-14-92, 7-6)

**Section 8 Effective Date**

This ordinance was duly considered following a required public hearing held on January 3, 1977, and was adopted by the Town Council of Cape Charles, Virginia, at its regular meeting held on January 11, 1977, the members voting:

Mary B. Bowen	Aye
Frank C. Fitzhugh	Aye
Thomas G. Godwin	Aye
J. Crawley Lewis	Aye
Clement Pruitt	Aye
Earl Scott, Jr.	Aye

This ordinance shall be effective on and after 12:01 a.m., January 11, 1977.

Amended by Town Council on July 11, 1995, and ratified and confirmed by Town Council on June 16, 1997.